

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Michael Gregg-Wilson,)	
)	C/A No. 3:11-1171-MBS-SVH
Plaintiff,)	
)	
vs.)	
)	ORDER
Time Warner Cable, Inc.; Time Warner)	
Cable Columbia SC Division; Jason)	
Gerrish; Robert Dow; Jeff Edgell; Danny)	
Hughes; Melissa Gary; and David Sykes,)	
)	
Defendants.)	
_____)	

On May 16, 2011, Michael Gregg-Wilson (“Plaintiff”) filed an action against the above named defendants (“Defendants”). Because Plaintiff is represented *pro se*, this action was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), D.S.C. On November 22, 2011, Defendants filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim. On December 27, 2011, Plaintiff filed a motion to amend the complaint and a response in opposition to Defendants’ motion to dismiss. On January 1, 2012, the case was reassigned to United States Magistrate Judge Shiva V. Hodges. On January 13, 2012, Defendants filed a response in opposition to Plaintiff’s motion.

On May 2, 2012, the Magistrate Judge issued a Report and Recommendation recommending that Defendants’ motion to dismiss be granted and that Plaintiff’s motion to file an amended complaint be denied. In Plaintiff’s “response” to the Report and Recommendation, he does not assert any specific objection to the Magistrate Judge’s recommendation. Rather,

“[b]ased upon th[e] court[']s insistence that Plaintiff’s current complaint contains a single cause of action and knows not what is to be presented in a new or amended filing prior to the expiration of the statute of limitation for present and future charges,” Plaintiff “conditionally concedes for dismissal without prejudice.” ECF No. 30 at 12.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

This court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Defendants’ motion to dismiss is granted and Plaintiff’s motion to amend is denied. The action is dismissed without prejudice.

IT IS SO ORDERED.

s/ Margaret B. Seymour
Chief United States District Judge

Columbia, South Carolina

May 29, 2012